



SUITE 2800  
2345 GRAND BOULEVARD  
KANSAS CITY, MISSOURI 64108-2612  
816-292-2000, FAX 816-292-2001

December 3, 1998

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket  
Federal Election Commission  
999 E. Street N.W., 6th Floor  
Washington, D.C. 20463

Re: MUR 4819

Dear Mr. Turley:

#### I. Introductory Statements

Pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"), the Platte County Sheriff's Department ("the Department"), and Sheriff Richard L. Anderson individually, hereby submit the following written response to your correspondence dated October 20, 1998 denoted MUR 4819.

With respect to Complaint MUR 4819, the Department and Sheriff Anderson state the Federal Election Commission ("the Commission") has no jurisdiction over the Department or Sheriff Anderson individually with regards to any of the allegations set forth and contained in the Complaint attached to the Commissions October 28, 1998 correspondence. Further, the allegations of violation of 18 U.S.C. § 595 et seq. are not within the jurisdictional grant of the Commission. Rather, pursuant to 2 U.S.C. § 437C(b)(1), the Commission is given jurisdiction over the Act, and chapters 95 and 96 of Title 26. The Commission therefore lacks jurisdiction over the allegations contained in the Complaint regarding Title 18.

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The single remaining allegation, an alleged violation of 11 C.F.R. § 102.9 could not have been committed by the Department or Sheriff Anderson. Pursuant to 11 C.F.R. § 102.9, the party charged with the responsibility for fulfilling record keeping duties is the duly appointed treasurer of a campaign committee. Further, 2 U.S.C. § 434(a)(1) and 11 C.F.R. § 104.1 (a) charge the committee treasurer with making campaign disclosure reports. No violation of the Act therefore could have been committed by the Department, or by Sheriff Anderson, as no duty was incumbent upon either to report any alleged contribution.

Appearing specifically for the purpose of this response, and for no other purpose, and without submitting either the Department or Sheriff Anderson individually to the jurisdiction of the Commission, and without waiving the above jurisdictional objections, the Department and Sheriff Anderson submit the following formal response and state that no violation of the cited statutory and regulatory provisions occurred.

## II. Executive Summary

Contrary to the naked assertions contained in the Complaint, Departmental employee's were not "used" for the purposes of filming a campaign commercial. Rather, the Department was requested to and did agree to participate in an informational and educational meeting and forum discussion with Senator Christopher S. Bond of Missouri regarding Platte County Missouri law enforcement issues. This meeting served a departmental purpose, function and mission. Incidental filming of this meeting was by a third party, was with the consent of those appearing in the video. This consent was not obtained by any member of the Department. The film crew neither participated in, nor directed this town hall round table discussion.

## III. Meeting with Senator Bond

The informational and educational meeting, held on April 6, 1998, between Senator Bond and the Department followed a similar meeting held for Kansas City

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metropolitan area law enforcement chiefs on methamphetamine and other drug issues organized by the Kansas City, Missouri Police Department earlier in 1998. Sometime after this meeting, an offer was made by Mr. Bradley Scott to conduct a similar meeting with the Platte County Sheriff's Department. The focus of this meeting, however, was to be on Platte County, Missouri and broader general law enforcement concerns. (See Affidavit of Richard L. Anderson, Sheriff of Platte County Missouri, ¶ 2 and 3).

Sheriff Anderson and his commanders felt the meeting would provide an excellent opportunity to have a dialogue with a senior governmental official from the state on numerous areas of concern to the Department. During a regularly scheduled Tuesday staff meeting, Sheriff Anderson discussed areas which should be given emphasis during the upcoming meeting. Representatives from all departments would be asked to attend and bring and present both questions and concerns for discussion with Senator Bond. In addition, responsibilities were assigned regarding the exhibit of special law enforcement displays. (See Affidavit, ¶ 4 and 5).

During the round table discussion, Senator Bond was shown exhibits relating to weapons, drugs, and other areas of Departmental responsibility. Senator Bond also viewed and was given information regarding equipment used by Departmental personnel. The purpose behind showing Senator Bond these items was to inform him as to the types of threats and responsibilities faced by the Department, as well as the equipment the Department uses to deal with these responsibilities. The depicted items further served as a catalyst for dialogue between Senator Bond and Departmental personnel regarding Departmental objectives and concerns. (See Affidavit, ¶ 8).

Senator Bond and Departmental personnel engaged in a round table town hall type of discussion regarding areas of concern by both the Department, and Senator Bond. Several Departmental programs were discussed, as was the use and need for grants to combat certain concerns. (See Affidavit, ¶ 7).

The meeting with Senator Bond was for Departmental purposes, and focused on law enforcement objectives and the law enforcement mission. That a portion of the

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meeting was filmed was of no consequence to this purpose. The Department and Sheriff Anderson's purpose was to inform and educate the senior Senator from the state of Missouri on law enforcement issues, and to open a channel of communication with a senior governmental official regarding law enforcement concerns. The purpose of the Department was not participate in a political commercial. (See Affidavit, ¶ 3, 10, 13).

#### IV. The Advertisement

The advertisement which is referenced in the Complaint shows four fleeting scenes of Department personnel.

##### A. Sidewalk scene

The first scene is of Senator Bond walking with four members of the Department. This occurred immediately after the round table meeting, when several officers volunteered to accompany Senator Bond in a walk down the sidewalk. The personnel who volunteered did so on the basis it allowed them an opportunity to discuss several points with Senator Bond, including the transportation bill, that had not been discussed in the general meeting. While this dialogue was filmed, the Departmental personnel depicted did not participate for the purposes of making a commercial, but rather for the additional opportunity to discuss with Senator Bond areas of concern to the Department which had not previously been aired. No compensation was paid to the participants for appearing in the commercial, but rather for pursuing Department business. Thus, no contribution was made. (See Affidavit, ¶ 9).

##### B. Jail scene

The second scene depicted was of Senator Bond touring the Platte County, Missouri jail. This was initiated by the Captain of the Detention Unit who wished to show Senator Bond the facilities, as well as to discuss Departmental concerns in the areas of health care and frivolous lawsuits as they related to county prisoners. The individual depicted consented to be filmed while the tour and discussion took place. The tour and

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discussion served several Departmental purposes, and thus no contribution occurred. (See Affidavit, ¶ 11).

C. SRT team entry demonstration scene

The third scene depicted was a demonstrational drug raid by the Platte County SRT team on private premises on a different day. The Captain of the unit was asked if it would be possible to film a demonstration of the SRT team's procedures. The Captain of the Investigative Unit sought approval from Sheriff Anderson, who approved the demonstration **only** upon the condition the participating members volunteered and were off duty.

The Captain of the unit volunteered a location off the premises in the process of demolition for use in the demonstration. Three members of the SRT team volunteered to participate off duty in the demonstration. No compensation was paid for the services of the members of the SRT team by the Department for participating in the demonstration. This activity did not serve a Departmental purpose, and therefore was required to be done off duty. Therefore, no contribution was made pursuant to 11 C.F.R. § 100.7(a)(3). (See Affidavit, ¶ 12).

D. Senator Bond viewing drug exhibits and listening to a presentation from a member of the SRT team.

The final scene depicted was of Senator Bond and a member of the SRT team reviewing and discussing an exhibit of weapons and drug related items during the round table meeting. The presentation to Senator Bond focused on the increasing violence associated with methamphetamine and other drug related crimes. The exhibit and ensuing dialogue with the Senator served a clear departmental purpose in educating the Senator regarding the increased danger associated with drug related crime. As this discussion and exhibit served a departmental purpose, the SRT team member appearing was rendering services to the department, and not the Bond Campaign. Therefore, no contribution was made pursuant to 11 C.F.R. § 100.7(a)(3). (See Affidavit, ¶ 8).

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#### V. Other Alleged Violations

As previously noted, the Commission is without jurisdiction over the allegations concerning Title 18. The following facts, however, establish that no such violation occurred.

##### A. 18 U.S.C. § 595

In the complaint, an allegation was made that a possible violation of "18 C.F.R. § 595" may have occurred. Assuming this allegation actually relates to 18 U.S.C. § 595, no such violation occurred. The purpose behind the informational meeting with Senator Bond was to educate and inform the senior senator from Missouri on issues of concern to Platte County, Missouri law enforcement officers. Therefore, the official authority of the Department was not used for the purpose of affecting an election. Thus, no violation of 18 U.S.C. § 595 occurred. (See Affidavit, ¶ 3).

##### B. 18 U.S.C. § 601

In the complaint an allegation was made that a possible violation of "18 C.F.R. § 601" may have occurred. Assuming this allegation actually relates to 18 U.S.C. § 601, no violation occurred. The informational meeting and round table discussion with Senator Bond was handled in the course of regular Departmental business. Each unit was assigned certain tasks to ensure the meeting would proceed in the most efficient manner, and that the opportunity to educate and inform Senator Bond would be maximized. Clearly, no threats or coercive tactics were employed as is required for a violation of 18 U.S.C. § 601, as alleged in the complaint. (See Affidavit, ¶ 4 and 5).

Further, a violation of 18 U.S.C. § 601 could not have occurred as the Department did not participate in the obtaining of consent to appear on camera. (See Affidavit, ¶ 15).

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C. 18 U.S.C. § 602

In the complaint an allegation was made that a possible violation of "18 C.F.R. § 602" may have occurred. Assuming this allegation actually relates to 18 U.S.C. § 602, no violation occurred. No contribution to Senator Bond was solicited by the Department or by Sheriff Anderson individually. The Department, nor Sheriff Anderson, are aware of any contribution made to Missourians for Kit Bond by members of the Department in association with the informational meeting. (See Affidavit, ¶ 14).

No contribution was made by the Department, as the informational meeting served a Departmental and public purpose. Finally, as previously noted, the Department did not take part in obtaining consent to appear in the commercial. Therefore, the Department nor Sheriff Anderson solicited contributions for Senator Bond.

VI. CONCLUSION

The meeting held on April 6, 1998 between Senator Christopher S. Bond and the Department served a Departmental and public purpose. The purpose of the meeting for the Department was to acquaint, inform, and educate Senator Bond regarding law enforcement responsibilities, duties and concerns of the Department. The need for adequate funding and grants was conveyed to Senator Bond, as were the full scope of services the Department is required to provide from emergency communications, neighborhood patrols, community policing, covert operations, and responsibilities relating to Kansas City International Airport. Further, the meeting served the purpose of showing Senator Bond the types of threats the Department faces, as well as the manner the Department must deal with those threats. Finally, it allowed the Department to show how grant money supports Platte County law enforcement.

That Departmental personnel were filmed while engaged in Departmental activities does not transform the round table discussion and ensuing dialogue into a contribution. The employee's pictured were compensated for performing their duties. The filming of the SRT entry demonstration was required to be done off duty, on a

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voluntary basis, and at a private residence. The Department paid for no services provided to the campaign of Senator Bond, and thus no contribution occurred under 11 C.F.R. 100.7(a)(3).

The informational round table town hall meeting with Senator Bond was handled in the normal Departmental manner. The Department had numerous law enforcement objectives to cover in the round table meeting. Therefore, each unit was assigned certain areas of responsibility to ensure the most effective use of the time assigned to the meeting. No contributions were solicited by Departmental personnel. The consent forms giving release to appear in the film for Senator Bond were not obtained by the Department or Sheriff Anderson. No member of the Department participated. Clearly no violation of Title 18, § 595 et seq. occurred, as standard operating procedures were employed in preparing for and conducting the informational meeting with Senator Bond. Indeed, no specific allegation of threats or coercion is listed in the Complaint.

Parenthetically, the Department and Sheriff Anderson would note that the Complaint in this matter is not grounded in fact or law. Further, no research, investigation or inquiry of any nature or description was made in the formulation of the Complaint. Rather, the Complaint was thrown together in an obvious haphazard manner for purely political purposes. The irresponsible allegations contained therein have caused undue cost and expense to the Department, and have strained Departmental resources.

The Department plainly and simply hosted a round table discussion and seminar with a senior governmental official regarding concerns and questions of both parties. Certain Departmental personnel volunteered to appear on camera while going about the duties of their office. As the facts and affidavit make clear, no violation of the Act or of Title 18 has taken place as alleged in the Complaint. Therefore, the Platte County Sheriff's Department and Sheriff Richard Anderson submit that no action should be taken in this matter and Complaint MUR 4819 should be dismissed as to all parties.

If we can provide additional information or clarification please do not hesitate to advise.



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Respectfully Submitted,

LATHROP & GAGE L.C.

By: *Jeff Bauer*

Terry J. Brady  
Jeffrey M. Bauer

ATTORNEYS FOR THE  
PLATTE COUNTY SHERIFF'S  
DEPARTMENT AND SHERIFF  
RICHARD L. ANDERSON  
INDIVIDUALLY

Enclosures


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8. A display table was erected for the meeting which featured one officer, dressed in SRT riot gear, who made a short presentation relating to violence, methamphetamine labs, weapons and drugs. Another deputy demonstrated a fist suit for the Senator. This display, presentation and information had a Departmental purpose and objective.
9. Following the round-table discussion, Senator Bond inspected additional displays outside the court house including the Department's COPS vehicles, bicycles and equipment. Senator Bond discussed with three members of the Department pending federal legislation, issues relating to juveniles and the COPS program. The Departmental members were asked, and voluntarily agreed, to be filmed with Senator Bond discussing law enforcement issues and the transportation bill which related to their assigned units.
10. The Department's purpose at this meeting was to outline the concerns and needs of the Department relating to policing, including community policing and other issues important to the Department and the citizens of Platte County.
11. The detention unit commander invited Senator Bond to tour the Platte County jail. The commander discussed with Senator Bond: (a) frivolous law suits by inmates and (b) health care issues relating to prisoners. The commander was invited and voluntarily agreed to be filmed with Senator Bond during the jail tour and discussion.

12. I gave approval the same day to certain members of the SRT squad participating in a filmed action scene so long as their participation was voluntary and off-duty. The three members who agreed to participate did so voluntarily while off duty, on a different day and on private property.
13. The meeting with Senator Bond, the Department's participation in a round-table town hall type discussion of law enforcement issues served Departmental interests, served a Departmental purpose and was in the best interests of the Department. Information provided to Senator Bond regarding law enforcement priorities, law enforcement needs, communications, detention and drug initiatives by Department personnel served to educate and inform a government official.
14. No political contributions of any kind or character were solicited from the Department or its personnel at anytime by Senator Bond.
15. Neither the Department or its personnel solicited or obtained waivers or releases on behalf of the camera crew.

Further affiant saith naught.



Richard L. Anderson

STATE OF MISSOURI     )  
                                  ) ss  
COUNTY OF PLATTE     )

NOW on this 3rd day of December, 1998 before me, a Notary Public, appeared RICHARD L. ANDERSON who stated that he has read the above and foregoing Affidavit, that his statements therein are true and correct to the best of his knowledge, information and belief, and that he executed the same as his free act and deed.

Kenneth W Wilson  
Notary Public

My Commission Expires:

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KENNETH W WILSON  
NOTARY PUBLIC STATE OF MISSOURI  
PLATTE COUNTY  
MY COMMISSION EXP SEPT 29, 1999

**AFFIDAVIT OF RICHARD L. ANDERSON**

STATE OF MISSOURI       )  
                                  ) ss  
COUNTY OF PLATTE       )

RICHARD L. ANDERSON, of lawful age, having been first duly sworn, upon his oath deposes and states upon information and belief as follows, to wit:

1. That I am the duly elected and acting Sheriff of Platte County, Missouri and as such am authorized to make this Affidavit for and on behalf of the Platte County, Missouri Sheriff's Department, "the Department".
2. In early 1998 I was invited to participate, along with other area law enforcement chiefs, in a meeting organized by the Kansas City, Missouri Police Department for the purpose of a round-table discussion relating to methamphetamine issues. This meeting was attended by Senator Christopher S. Bond of Missouri.
3. Sometime following that meeting I received a telephone call from Mr. Bradley Scott stating Senator Christopher S. Bond would like to hold a forum with a law enforcement agency and would the Platte County Sheriff's Department wish to participate. My recollection is Mr. Scott stated his purposes for the meeting were educational and that the meeting would be filmed.
4. The Department's divisional commanders and I reached a unanimous consensus that it would be in the best interests of the Department for the

Department to establish communications with Senator Bond's office and therefore I sanctioned such a meeting for April 6, 1998. My purpose in approving the meeting was to educate Senator Bond in the responsibilities and needs of a Department our size.

5. In preparation for the April 6 meeting, I asked all units to be represented in uniform and be prepared to illustrate and discuss that the law enforcement needs of the Department are broad, diverse and expensive.
6. On April 6, 1998 Senator Bond visited the Department in Platte City, Missouri. The Senator and I met in advance of a general Departmental town hall type meeting at which time I advised him that: (a) the Department, although a small Midwestern Department, must deliver the same full range of services and has the same responsibilities as the large Departments; (b) that the Department relies heavily on grants to discharge those responsibilities. I provided Senator Bond with a list of those grants the Department receives.
7. Thereafter, Senator Bond held a round-table discussion with thirty to forty employees and sworn officers of the Department at which time he was provided with crime statistics for Platte County and asked questions by the Department members. Senator Bond also asked questions, sought information and, as I recall, indicated a particular interest in the disposition of hazardous materials from methamphetamine labs. Although a film crew was present during the meeting they did not direct or otherwise participate in the meeting.